

From: [Samy Khalil](#)
To: [Helfmeyer, Devon \(CRM\)](#)
Cc: [Remis, Aleza \(CRM\)](#); [Raut, Katherine \(CRM\)](#); [Ahmed, Ridwan \(CRM\)](#)
Subject: [EXTERNAL] Re: Pharms' former counsel
Date: Friday, September 2, 2022 4:49:49 PM

I do not, Devon.
Thank you,
Samy

Sent from my iPhone

> On Sep 2, 2022, at 3:41 PM, Helfmeyer, Devon (CRM) <Devon.Helfmeyer@usdoj.gov> wrote:
>
> Good afternoon Samy,
> Can you confirm whether you represent any of Pharms' former counsel, per Brandon's surmise?
>
> I tried reaching out to you earlier today, but it went straight to voicemail. Please give me a call as soon as you can.
>
> Sincerely,
>
> Devon Helfmeyer
> Trial Attorney, Fraud Section
> Criminal Division, U.S. Department of Justice
> 202-262-6576
>
> -----Original Message-----
> From: McCarthy, Brandon N. <brandon.mccarthy@katten.com>
> Sent: Friday, September 2, 2022 8:33 AM
> To: Remis, Aleza (CRM) <Aleza.Remis@usdoj.gov>; Samy Khalil <samy@khalil.law>
> Cc: Josh Schaffer <josh@joshschafferlaw.com>; Jim E. Lavine <jim.lavine@zlszlaw.com>; mvilla@meadowscollier.com; Ansley, Jeffrey J. <jansley@vedderprice.com>;
dcogdell@joneswalker.com; samuel.louis@hklaw.com; justo.mendez@hklaw.com; Fleming, Mary C. <mary.fleming@katten.com>; Goodman, Arianna G.
<agoodman@vedderprice.com>; Riley, Rachel <rachel.riley@katten.com>; Brent Newton <BNewton@ghmfirm.com>; nnorris@joneswalker.com; Helfmeyer, Devon (CRM)
<Devon.Helfmeyer@usdoj.gov>; Raut, Katherine (CRM) <Katherine.Raut@usdoj.gov>; Ahmed, Ridwan (CRM) <Ridwan.Ahmed@usdoj.gov>; Assefa, Macda (CRM)
<Macda.Assefa@usdoj.gov>; Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>
> Subject: [EXTERNAL] Re: Defense Exhibits -- Breimeister
>
> They're arguably represented. You'll have to go through Samy Khalil for both of those. I ccd him above.
>
>> On Sep 1, 2022, at 11:19 PM, Remis, Aleza (CRM) <Aleza.Remis@usdoj.gov> wrote:
>>
>> EXTERNAL EMAIL – EXERCISE CAUTION
>>
>> Brandon,
>>
>> To clarify - please let us know if you have an objection to the government taking the following steps with respect to all counsel on the e-mails on which privilege was
waived, including in your proposed exhibits and in the e-mails that were recently released from the filter team: (1) subpoena them for all communications and records relating
to their representation of Pharms and the Defendants; and (2) request an interview with them regarding the advice they provided.
>>
>> Please let us know as soon as possible.
>>
>> Best,
>>
>> Aleza
>>
>> -----Original Message-----
>> From: McCarthy, Brandon N. <brandon.mccarthy@katten.com>
>> Sent: Thursday, September 1, 2022 11:10 PM
>> To: Remis, Aleza (CRM) <Aleza.Remis@usdoj.gov>
>> Cc: Josh Schaffer <josh@joshschafferlaw.com>; Jim E. Lavine <jim.lavine@zlszlaw.com>; mvilla@meadowscollier.com; Ansley, Jeffrey J. <jansley@vedderprice.com>;
dcogdell@joneswalker.com; samuel.louis@hklaw.com; justo.mendez@hklaw.com; Fleming, Mary C. <mary.fleming@katten.com>; Goodman, Arianna G.
<agoodman@vedderprice.com>; Riley, Rachel <rachel.riley@katten.com>; Brent Newton <BNewton@ghmfirm.com>; nnorris@joneswalker.com; Helfmeyer, Devon (CRM)
<Devon.Helfmeyer@usdoj.gov>; Raut, Katherine (CRM) <Katherine.Raut@usdoj.gov>; Ahmed, Ridwan (CRM) <Ridwan.Ahmed@usdoj.gov>; Assefa, Macda (CRM)
<Macda.Assefa@usdoj.gov>
>> Subject: [EXTERNAL] Re: Defense Exhibits -- Breimeister
>>
>> Aleza-
>> While it is impossible for us to say until you present your evidence, we have waived the privilege in an abundance of caution so that you can properly prepare to rebut such
a defense and will not be surprised. While I believe it is arguably a derivative advice of counsel defense under the case law (which does not require a production), I see that an
argument could be made either way. Thus we collectively waived it to make sure there was no issue of surprise. I think you should prepare for the possibility of that here, as
you seem to be presenting evidence on areas where the expert legal advice is contrary to your notions of legality. Thanks.
>>
>> On Sep 1, 2022, at 5:45 PM, Remis, Aleza (CRM) <Aleza.Remis@usdoj.gov> wrote:
>>
>> EXTERNAL EMAIL – EXERCISE CAUTION
>> Counsel,
>>
>> As we review and put together objections on your exhibits, we note there are dozens of emails to/from counsel from some parties. We again renew our request for your
notice of intent to rely on advice of counsel. Please let us know by tonight (before midnight) whether or not any of the parties intend to rely on such advice. We plan to
supplement our request for your notice of intent to rely on advice of counsel if you do not let us know.
>>
>> Best,
>>

>> Aleza

>>

>> From: Josh Schaffer <josh@joshschafferlaw.com>

>> Sent: Friday, August 26, 2022 5:59 PM

>> To: Remis, Aleza (CRM) <Aleza.Remis@usdoj.gov>

>> Cc: Jim E. Lavine <jim.lavine@zlszlaw.com>; McCarthy, Brandon N. <brandon.mccarthy@katten.com>; mvilla@meadowscollier.com; Ansley, Jeffrey J. <jansley@vedderprice.com>; dcogdell@joneswalker.com; samuel.louis@hklaw.com; justo.mendez@hklaw.com; Fleming, Mary C. <mary.fleming@katten.com>; Goodman, Arianna G. <agoodman@vedderprice.com>; Riley, Rachel <rachel.riley@katten.com>; Brent Newton <BNewton@ghmfirm.com>; nnorris@joneswalker.com

>> Subject: [EXTERNAL] Defense Exhibits -- Breimeister

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>>

>> Aleza,

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>> I am sending a DropBox link to Scott Breimeister's exhibits. The link is to the account of our trial services company,

>>

>> CVFAULK, Inc., in Dallas. You and counsel for the co-defendants should be able to access it.

>>

>>

>>

>> Attached please find an exhibit list. We will provide you with a hard copy of our exhibits in notebooks before trial.

>>

>>

>>

>> If you are unable to access any of the exhibits, please let me know.

>>

>>

>>

>> Sincerely,

>>

>> Josh Schaffer

>> 1021 Main, Suite 1440

>> Houston, Texas 77002

>> (713) 951-9555

>> (713) 951-9854 (fax)

>> josh@joshschafferlaw.com<<mailto:josh@joshschafferlaw.com>>

>> <https://protect2.fireeye.com/v1/url?k=32f72598-6d641d55-32f8017d-ac1f6b017728-e01e4d4c9802f5f1&q=1&c=6801ac92-23c7-4282-9a17-5a0f4e8ef220&u=http%3A%2F%2Fwww.joshschafferlaw.com%2F><<https://protect2.fireeye.com/v1/url?k=9246d5a2-cddd59-9241f147-ac1f6b0176a2-5883cc1f3a3a47ba&q=1&c=f389102f-48bd-4bfl-80a8-0424ad534289&u=http%3A%2F%2Fwww.joshschafferlaw.com%2F>>

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